

Ivan J. Dolowich, Esq. (ID-3122)  
Janene M. Marasciullo, Esq. ( *Pro Hac Vice*)  
Kaufman Dolowich & Voluck, LLP  
135 Crossways Park Drive, Suite 201  
Woodbury, New York 11797  
Phone: (516) 681-1100  
Facsimile: (516) 681-1101  
*Attorneys for Defendants Lab123, inc., Biosafe Laboratories, Inc., Biosafe Medical Technologies, Inc., Henry A. Warner, Kent B. Connally, Kurt Katz, Robert Trumpy, and Jeremy J. Warner*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BARRON PARTNERS, LP,

Plaintiff,

-against-

LAB123, INC., HENRY A. WARNER, FRED  
FITZSIMMONS, KENT B. CONNALLY, KURT  
KATZ, ROBERT TRUMPY, JEREMY J. WARNER,  
DAVID FLEISNER, BIOSAFE LABORATORIES,  
INC. and BIOSAFE MEDICAL TECHNOLOGIES,  
INC.,

Defendants.

Docket No.: 07-CV-11135 (JSR)

**NOTICE OF MOTION FOR PRO  
HAC VICE**

TO: Richard S. Prisco  
1 Linden Place, Suite 201  
Great Neck, NY 11021

**PLEASE TAKE NOTICE** that upon the annexed affidavit of movant in support of this motion and the Certificate(s) of Good Standing annexed thereto we will move this Court before the Honorable Jed S. Rakoff at the United States Courthouse for the Southern District of New York, pursuant to Rule 1.3 (c) of the Local Rules of the United States district courts for the Southern and Eastern Districts of New York for an Order allowing the admission of movant, a member of the firm of Kaufman Dolowich & Voluck LLP and a member in good standing of the

Bar of the State of New York and the District of Columbia, as attorney pro hac vice to argue or try this case in whole or in part as counsel. There are no pending disciplinary proceedings against me in any State or Federal court.

Dated: April 17, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Janene Marasciullo", is written over a horizontal line.

Janene Marasciullo  
Kaufman Dolowich & Voluck LLP  
135 Crossways Park Drive, Suite 201  
Woodbury, New York 11797  
E-mail – [jmarasciullo@kdvlaw.com](mailto:jmarasciullo@kdvlaw.com)  
(516) 681-1100

Ivan J. Dolowich, Esq. (ID-3122)  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BARRON PARTNERS, LP,

Docket No.: 07-CV-11135 (JSR)

Plaintiff,

-against-

**AFFIDAVIT OF JANENE  
MARASCIULLO**

LAB123, INC., HENRY A. WARNER, FRED  
FITZSIMMONS, KENT B. CONNALLY, KURT  
KATZ, ROBERT TRUMPY, JEREMY J. WARNER,  
DAVID FLEISNER, BIOSAFE LABORATORIES,  
INC. and BIOSAFE MEDICAL TECHNOLOGIES,  
INC.,

Defendants.

-----X

STATE OF NEW YORK     )  
                                      ) ss:  
COUNTY OF NASSAU     )

JANENE MARASCIULLO, being duly sworn, hereby deposes and says as follows:

1. I am a partner with the law firm of Kaufman Dolowich & Voluck LLP.
2. I submit this affidavit in support of my motion for admission to practice pro hac vice in the above captioned matter.
3. I am a member in good standing of the Bars of the District of Columbia and State of New York. See Ex. 1 and 2.

4. I am familiar with the Federal Rules of Civil Procedure, the Federal Rules of evidence and the Local Rules of the U.S. District Court for the Southern District of New York.
5. There are no pending disciplinary proceedings against me in any State or Federal court.
6. Wherefore I respectfully request the Court to permit me to appear as counsel and advocate pro hac vice in this one case and I have submitted a draft Order granting this request. See Ex. 3



Janene Marasciullo  
Kaufman Dolowich & Voluck LLP  
135 Crossways Park Drive, Suite 201  
Woodbury, New York 11797  
E-mail – [jmarasciullo@kdvlaw.com](mailto:jmarasciullo@kdvlaw.com)  
(516) 681-1100

Dated: April 17, 2008



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

JANENE M. MARASCIULLO

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was on the 7<sup>TH</sup> day of DECEMBER, 1992

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on April 3, 2008.

GARLAND PINKSTON, JR., CLERK

By: M. Charles  
Deputy Clerk



*State of New York*  
*Supreme Court, Appellate Division*  
*Third Judicial Department*

*I, Michael J. Novack, Clerk of the Appellate Division of the Supreme Court of the State of New York, Third Judicial Department, do hereby certify that*

*Janene Marie Marasciullo*

*having taken and subscribed the Constitutional Oath of Office as prescribed by law, was duly licensed and admitted to practice by this Court as an Attorney and Counselor at Law in all courts of the State of New York on the 24th day of May, 2007, is currently in good standing and is registered with the Administrative Office of the Courts as required by section four hundred sixty-eight-a of the Judiciary Law.*

*In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Court, at the City of Albany, this 3rd day of April, 2008.*

*Michael J. Novack*  
\_\_\_\_\_  
*Clerk*



Ivan J. Dolowich, Esq. (ID-3122)

Janene M. Marasciullo, Esq. ( *Pro Hac Vice*)

Kaufman Dolowich & Voluck, LLP

135 Crossways Park Drive, Suite 201

Woodbury, New York 11797

Phone: (516) 681-1100

Facsimile: (516) 681-1101

*Attorneys for Defendants Lab123, inc., Biosafe Laboratories, Inc., Biosafe Medical Technologies, Inc., Henry A. Warner, Kent B. Connally, Kurt Katz, Robert Trumpy, and Jeremy J. Warner*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BARRON PARTNERS, LP,

Docket No.: 07-CV-11135 (JSR)

Plaintiff,

-against-

**ORDER FOR MOTION OF PRO  
HAC VICE**

LAB123, INC., HENRY A. WARNER, FRED  
FITZSIMMONS, KENT B. CONNALLY, KURT  
KATZ, ROBERT TRUMPY, JEREMY J. WARNER,  
DAVID FLEISNER, BIOSAFE LABORATORIES,  
INC. and BIOSAFE MEDICAL TECHNOLOGIES,  
INC.,

Defendants.

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**ORDER**

The motion for admission to practice pro hac vice in the above captioned matter is granted. The admitted attorney Janene Marasciullo is permitted to argue or try this particular case in whole or in part as counsel or advocate.

An attorney admitted to practice pro hac vice is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance as counsel in this case, and it will be entered on the Court's docket. A notation of your admission pro hac vice for the above listed case will be made on the roll of attorneys.

The attorney admitted pro hac vice must serve a copy of this Order on all other counsel in this case.

Dated: April \_\_, 2008

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United States District Judge

cc: Pro Hac Vice Attorney  
Court File

ND: 4824-7416-3714, v. 1



STATE OF NEW YORK       }  
                                      }SS:  
COUNTY OF NASSAU       }

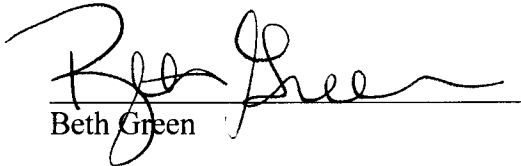
Beth Green, being duly sworn, deposes and says:

That Deponent is not a party to this action, is over 18 years of age and resides in Glen Cove, New York.

That on the 17<sup>th</sup> day of April 2008, Deponent served a copy of **Notice of Motion for Pro Hac Vice** upon:

Richard s. Prisco  
1 Linden Place, Suite 201  
Great Neck, NY 11021

by depositing a true copy of same enclosed in a post-paid, properly addressed wrapper, in a post-office/official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

  
Beth Green

Sworn to before me this  
17<sup>th</sup> day of April, 2008.

  
Notary Public

ROSEANN KENNEDY  
Notary Public, State of New York  
No. 01KE4825968  
Qualified in Nassau County  
Commission Expires May 31, 20 11

Ivan J. Dolowich (ID-3122)  
Kaufman Dolowich & Voluck, LLP  
135 Crossways Park Drive, Suite 201  
Woodbury, New York 11797  
Phone: (516) 681-1100  
Facsimile: (516) 681-1101  
*Attorneys for Defendants Lab123, inc., Biosafe Laboratories, Inc., Biosafe Medical Technologies, Inc., Henry A. Warner, Kent B. Connally, Kurt Katz, Robert Trumpy, and Jeremy J. Warner*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BARRON PARTNERS, LP,

Docket No.: 07-CV-11135 (JSR)

Plaintiff,

-against-

LAB123, INC., HENRY A. WARNER, FRED  
FITSIMMONS, KENT B. CONNALLY, KURT  
KATZ, ROBERT TRUMPY, JEREMY J. WARNER,  
DAVID FLEISNER, BIOSAFE LABORATORIES,  
INC. and BIOSAFE MEDICAL TECHNOLOGIES,  
INC.,

**AFFIDAVIT OF IVAN J.  
DOLOWICH IN SUPPORT OF  
MOTION FOR PRO HAC VICE**

Defendants.

-----X

State of New York     )  
                              )     ss:  
County of Nassau     )

Ivan J. Dolowich, being duly sworn, hereby deposes and says as follows:

1. I am a partner at the law firm Kaufman Dolowich & Voluck LLP, counsel for Defendant Douglas L. Pearl in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit Janene M. Marasciullo as counsel pro hac vice to represent Defendant in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law April 20, 1993. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known Janene M. Marasciullo since March, 2007.
4. Ms. Marasciullo is a partner at the law firm Kaufman Dolowich & Voluck LLP, in Woodbury, New York.
5. I have found Ms. Marasciullo to be a skilled attorney and a person of integrity. She is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of Janene M. Marasciullo, pro hac vice.

WHEREFORE it is respectfully requested that the motion to admit Janene M. Marasciullo, pro hac vice, to represent Defendant in the above captioned matter, be granted.

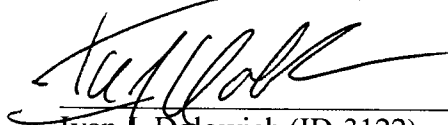
Dated: April 14, 2008  
Woodbury, NY 11797

Sworn to before me this  
14<sup>th</sup> day of April, 2008

  
\_\_\_\_\_  
Notary Public

**TODD D. KREMIN**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 02KR6147052**  
**Qualified in Nassau County**  
**My Commission Expires May 30, 2010**

Respectfully submitted,

  
\_\_\_\_\_  
Ivan J. Dolowich (ID-3122)  
Kaufman Dolowich & Voluck LLP  
135 Crossways Park Drive, Suite 201  
Woodbury, New York 11797  
(516) 681-1100

STATE OF NEW YORK     }  
                                      }SS:  
COUNTY OF NASSAU     }

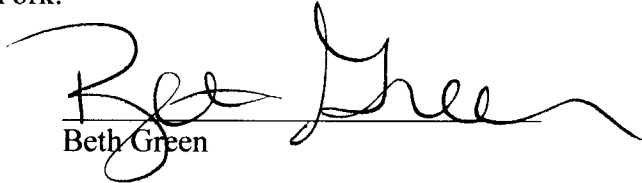
Beth Green, being duly sworn, deposes and says:

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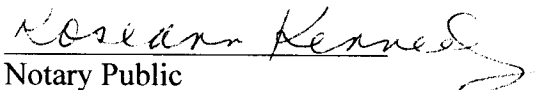
That on the 17<sup>th</sup> day of April 2008, Deponent served a copy of an **Affidavit of Ivan J. Dolowich In Support of Motion For Pro Hac Vice** upon:

Richard s. Prisco  
1 Linden Place, Suite 201  
Great Neck, NY 11021

by depositing a true copy of same enclosed in a post-paid, properly addressed wrapper, in a post-office/official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

  
Beth Green

Sworn to before me this  
17<sup>th</sup> day of April, 2008.

  
Notary Public

ROSEANN KENNEDY  
Notary Public, State of New York  
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Commission Expires May 31, 20 11